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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA
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10 CURLIN PENNICK III,

11 Plaintiff,

12 v.

13 BARRY DEHAVEN,

14 Defendant.
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CASE NO. C18-5434 BHS-DWC

ORDER ADOPTING REPORT
AND RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation (“R&R”)
17 of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 41. The Court
18 having considered the R&R and the remaining record, and no objections having been
19 filed, does hereby find and order as follows:

20 (1) The R&R is **ADOPTED**;

21 (2) Defendant’s Motion to Dismiss, Dkt. 33, is **DENIED**;
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1 (3) Plaintiff's claims may proceed on their merits; and

2 (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
3 Defendants, and to the Hon. David W. Christel.

4 Dated this 14th day of January, 2019.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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